

EXHIBIT 2

DMCA Subpoena and
Response from Gurvits

BOSTON LAW GROUP, PC

ATTORNEYS AT LAW

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NEWTON CENTRE, MASSACHUSETTS 02459

Main (617) 928-1800

Fax (617) 928-1802

Via Email and First Class Mail

March 11, 2015

Ronald D. Green, Esq.
Randazza Legal Group
3625 S. Town Center Drive, Suite 150
Las Vegas, Nevada 89135
rdg@randazza.com

**Re: Subpoena to Borjan Solutions S.L. d/b/a Serviporno.com
In re AMA Multimedia, LLC: Identification of John Does 1-256
Pursuant to the DMCA
U.S. District Court of Nevada, Case No. 2:15-ms-00005**

Dear Attorney Green,

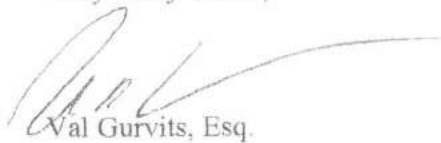
Please recall that this law firm represents Borjan Solutions S.L. We are in receipt of your subpoena pursuant to the DMCA requesting information about the individuals who uploaded certain videos to the serviporno.com website. A copy of that subpoena is attached hereto for reference as Exhibit 1.

Please be advised the Borjan Solutions S.L. is not a United States entity, is not subject to personal jurisdiction in the United States and is not subject to United States law. Therefore, it is not obligated to respond to the subpoena. However, as a courtesy and in the interest of cooperating with United States intellectual property owners, Borjan Solutions S.L. voluntarily submits the information requested without subjecting itself to personal jurisdiction in or the law of the United States.

Please find attached as Exhibit 2 my client's response to the information requested in the subpoena.

Should you have any questions, comments or concerns, you may contact me directly at 617-928-1804 or at vgurvits@bostonlawgroup.com

Very Truly Yours,



Val Gurvits, Esq.

Exhibit 1

RANDAZZA

LEGAL GROUP

Ronald D. Green
Partner
Licensed in NV

January 26, 2015

Clerk's Office, U.S. District Court
District of Nevada – Las Vegas Division
333 Las Vegas Boulevard South
Las Vegas, NV 89101

Re: DMCA Subpoena

Dear Clerk of Court:

Enclosed please find a request for the issuance of a subpoena by your DEPUTY pursuant to the Digital Millennium Copyright Act, 17 U.S.C. § 512(h). As required by the statute, the following are enclosed:

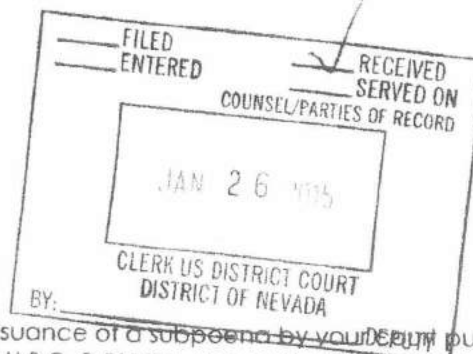
1. The Application/Declaration for the DMCA subpoena to be issued;
2. A copy of the proposed subpoena to be signed by the appropriate court officer;
3. A copy of a DMCA notice sent to the subject of the subpoena, as required by the DMCA;

I recognize that DMCA subpoena file requests are rare. Should you have any questions or require any additional items, please feel free to contact me at 702-420-2001.

Sincerely,

Ronald D. Green

encl: Application/Declaration for DMCA subpoena
Proposed DMCA subpoena
Copy of DMCA takedown notice



3625 South Town Center Drive, Las Vegas, Nevada 89135

rdg@randazza.com | 702.420.2001

LAS VEGAS | MIAMI | PHILADELPHIA | SAN FRANCISCO

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises

FILED
ENTEREDRECEIVED
SERVED ON

COUNSEL/PARTIES OF RECORD

UNITED STATES DISTRICT COURT

for the

District of Nevada

In re AMA Multimedia, LLC: Identification of John Does
1-256 Pursuant to the DMCA

Plaintiff

v.

Defendant

BY:

CLERK US DISTRICT COURT
DISTRICT OF NEVADA

DEPUTY

2:15-ms-00005

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION
Borjan Solutions S.L. d/b/a Serviporno.com

To:

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: Randazza Legal Group
3625 S. Town Center Drive, Suite 150
Las Vegas, NV 89135Date and Time:
February 9, 2015. 10:00 a.m. Pacific Time

☒ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: January 26, 2015

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

AMA Multimedia, LLC

Ronald D. Green. rdg@randazza.com. (702) 420-2001.

3625 S. Town Center Drive, Suite 150. Las Vegas, NV 89135.

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

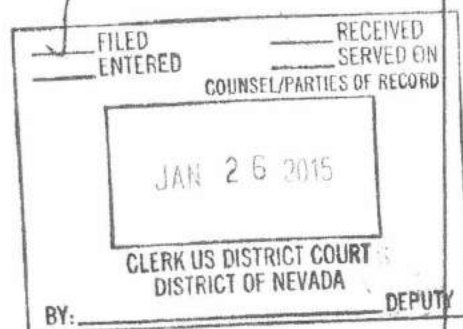
Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.: _____



Ronald D. Green (Nevada Bar No. 7360)
 RANDAZZA LEGAL GROUP
 3625 S. Town Center Drive, Suite 150
 Las Vegas, NV 89135
 Telephone: 702-420-2001
 Facsimile: 305-437-7662
 ecf@randazza.com

Attorneys for Plaintiff,
 AMA Multimedia, LLC

2:15-ms-00005

**IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

In re AMA Multimedia, LLC: Identification
 of John Does 1-256 Pursuant to the
 Digital Millennium Copyright Act
 ("DMCA")

Case No.

**APPLICATION AND DECLARATION IN
 SUPPORT OF ISSUANCE OF SUBPOENA
 UNDER 17 U.S.C. § 512(h)**

**APPLICATION AND DECLARATION IN SUPPORT OF
 ISSUANCE OF SUBPOENA UNDER 17 U.S.C. § 512(h)**

Pursuant to 17 U.S.C. § 512(h), I, Ronald D. Green, attorney for AMA Multimedia, LLC ("AMA"), hereby swear that the purpose for which AMA seeks the registered subpoenas is to obtain the identity of alleged copyright infringers, and that such information will only be used for the purpose of protecting AMA's intellectual property rights.

AMA is aware of precedent concerning the use of Digital Millennium Copyright Act ("DMCA") subpoenas to identify individuals from cable service providers in the Court of Appeals for the District of Columbia Circuit, *Recording Industry Ass'n of America v. Verizon Internet Servs., Inc.*, 351 F.3d 1229 (D.D.C. 2003), as well as the Eighth Circuit Court of Appeals. *In re Charter Comm'ns*,

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1 Inc., 393 F.3d 771 (8th Cir. 2005). This matter of law, however, is unsettled within
2 the Ninth Circuit.

3 It is the petitioner's position that the Ninth Circuit Court of Appeals would
4 find contrary to these courts and would agree with the dissent in *In re Charter*,
5 393 F.3d at 778. A plain reading of the DMCA will reveal that "[t]he subpoena
6 power created by Congress in § 512(h) does not limit the type of service
7 provider for whom subpoenas may be issued in the fight against internet piracy .

8 . . . The only viable way for copyright owners to vindicate their intellectual
9 property rights in a timely manner when infringing materials are transmitted
10 across peer to peer networks is to subpoena the [internet service providers,
11 a/k/a] ISPs for disclosure of the identities of alleged infringers." *Id.* at 779.

12 The *Charter* Court's dissent further noted that "[t]he suggestion that
13 copyright holders should be left to file John Doe lawsuits to protect themselves
14 from infringement by subscribers of conduit ISPs like Charter, instead of availaing
15 themselves of the mechanism Congress provided in the dmca, is impractical
16 and contrary to legislative intent." *Id.* at 782. Indeed, "[n]owhere in the DMCA
17 did Congress indicate that copyright holders should be relegated to such
18 cumbersome and expensive measures [as filing individual adversarial lawsuits]
19 against conduit ISPs. The legislative history shows that the purpose of the
20 subpoena power in the DMCA was to obtain the assistance of ISPs in an
21 expeditious process to stop infringement." *Id.* Additionally, the information
22 sought pursuant to this subpoena is not of anonymous file-sharers, but rather of
23 registered users of the website <serviporno.com>.
24

25 On this basis, this Court may properly grant AMA subpoena power under
26 17 U.S.C. 512(h) in order to pursue the infringers of his copyrighted work.
27

1 Executed under penalty of perjury this 26th day of January, 2015.

2
3 Respectfully Submitted,

4 RANDAZZA LEGAL GROUP

5 /s/ Ronald D. Green

6 Ronald D. Green (Nevada Bar No. 7360)

7 Randazza Legal Group

8 3625 S. Town Center Drive, Suite 150

9 Las Vegas, NV 89135
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LEGAL GROUP

1 Ronald D. Green (Nevada Bar No. 7360)
2 RANDAZZA LEGAL GROUP
3 3625 S. Town Center Drive, Suite 150
4 Las Vegas, NV 89135
5 Telephone: 702-420-2001
6 Facsimile: 702-420-2003
7 ecf@randazza.com

8 Attorneys for Plaintiff,
9 AMA Multimedia, LLC

2:15-ms-00005

10 **IN THE UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 In re AMA Multimedia, LLC: Identification
13 of John Does 1-256 Pursuant to the
14 Digital Millennium Copyright Act
15 ("DMCA")

Case No.

ATTACHMENT A TO SUBPOENA

16 Items and information requested pursuant to this subpoena:

- 17 1. Any and all information in your possession pertaining to the identity(y/ies)
18 of the individual(s) who uploaded the videos specified in Attachment B
19 infringing AMA Multimedia, LLC's copyrighted works of <serviporno.com>,
20 including but not limited to:
21 a. The users' name(s)
22 b. The users' last known address(es)
23 c. The users' e-mail address(es)
24 d. The users' phone number(s)

RANDAZZA LEGAL GROUP

1 Dated: January 26, 2015

Respectfully Submitted,

RANDAZZA LEGAL GROUP

/s/ Ronald D. Green

Ronald D. Green (Nevada Bar No. 7360)

Randazza Legal Group

3625 S. Town Center Drive, Suite 150

Las Vegas, NV 89135

RANDAZZA LEGAL GROUP

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6 Facsimile: 702-420-2003
7 ecf@randazza.com

8 Attorneys for Plaintiff,
9 AMA Multimedia, LLC

10 **IN THE UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 In re AMA Multimedia, LLC; Identification
13 of John Does 1-256 Pursuant to the
14 Digital Millennium Copyright Act
15 ("DMCA")

Case No.

ATTACHMENT B TO SUBPOENA

16 The subpoena requests the information specified in Attachment A
17 pertaining to users of <serviporno.com> who uploaded the following videos that
18 infringe on AMA Multimedia, LLC's copyrights:

- 19 • <http://www.serviporno.com/videos/corrine-blake-follada-despues-del-masaje/>
- 20 • <http://www.serviporno.com/videos/sexy-asiatica-gozando-de-una-gran-polla/>
- 21 • <http://www.serviporno.com/videos/un-pov-con-una-mini-latina/>
- 22 • <http://www.serviporno.com/videos/la-perfeccion-existe/>

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1 Dated: January 26, 2015

Respectfully Submitted,

2 RANDAZZA LEGAL GROUP

3 /s/ Ronald D. Green

4 Ronald D. Green (Nevada Bar No. 7360)

5 Randazza Legal Group

6 3625 S. Town Center Drive, Suite 150

7 Las Vegas, NV 89135

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RANDAZZA

LEGAL GROUP

Privileged and Confidential Communication

December 23, 2014

Via Email Only
Larry@firstamendment.com

Lawrence G. Walters, Esq.
Walters Law Group
195 W. Pine Ave.
Longwood, FL 32750

Re: *Infringing Material On Serviporno.com*

Dear Larry:

I am writing on behalf of AMA Multimedia, LLC ("AMA") f/k/a SSC Group, LLC. On or about August 19, 2013, AMA settled its copyright claims against your clients Borjan Solutions S.L. d/b/a Serviporno.com, Borjan Mera Urrestarazu, and Monetia, S.L. d/b/a Cumlounder.com and Wamcash (collectively, "Respondents"). Those claims related to large amounts of AMA's copyrighted content appearing on the Serviporno.com website in a manner that suggested it was being uploaded from other tube sites by Respondents themselves and not by users of the Serviporno website. The settlement provided that Respondents would take steps to ensure that AMA's content was not placed unlawfully on Respondents' websites and that, if AMA's content did appear on Respondents' websites, it would be promptly taken down upon notification from AMA.

For about a year after the execution of the settlement, AMA's copyrighted content was largely absent from the Serviporno website. However, in October of 2013, AMA observed that its content had begun appearing on the site in the same manner that it had appeared in the past. Specifically, its full length videos and shorter promotional videos, which appear legally on other tube sites, are being uploaded to Serviporno from those tube sites. As it currently stands, AMA cannot determine whether these videos are being uploaded by Serviporno's users or by Respondents themselves. As such, we request that Serviporno provide us with all information regarding the user(s) who uploaded the movies located at the following URLs:

<http://www.serviporno.com/videos/corine-blake-follada-despues-del-masaje/>
<http://www.serviporno.com/videos/sexy-asiatica-gozando-de-una-gran-polla/>
<http://www.serviporno.com/videos/un-pov-con-una-mini-latina/>
<http://www.serviporno.com/videos/la-perfeccion-existe/>

The first two links above are for short videos excerpted from AMA's longer, full-length videos. The latter two links contain AMA's entire full-length videos. Respondents are not

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rdg@randazza.com | 702.420.2001

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Infringing Material on Serviporno
Page 2 of 2

authorized to display any of them on the Serviporno website. The original videos to which AMA owns copyrights can be found on the World Wide Web at:

<http://fantasyhd.com/video/more-than-a-mouthful>
<http://puremature.com/video/precious-snatch>
<http://tiny4k.com/video/tiny-latina-teen>
<http://fantasyhd.com/video/heart-rate-hottie>

The information AMA seeks regarding the users who uploaded these videos includes, but is not limited to: their user names, their IP addresses, their email addresses, identification of all other videos that these users have uploaded to the Serviporno website, their login histories, and any other identifying information about these users in Serviporno's possession. While AMA would like this information as quickly as possible, it additionally recognizes that the holidays are fast approaching. Therefore, pursuant to the provisions of the settlement agreement, please provide us with this information no later than 14 days of the date of this correspondence.

This notice is being provided in good faith and with reasonable certainty that AMA's copyrights are being infringed. We are authorized to act on behalf of AMA as its counsel and can attest that the information contained in this communication is true and accurate. We appreciate your time and attention to this matter and look forward to your response.

Best regards,

Ronald D. Green

Exhibit 2

1. <http://www.serviporno.com/videos/corrine-blake-follada-despues-del-masaje/>

User ID: "anonymous" staff account for uploading videos as part of affiliate programs with content producers
Upload IP: 93.156.108.78
Email address: N/A
Last known address: N/A
Phone Number: N/A

2. <http://www.serviporno.com/videos/sexy-asiatica-gozando-de-una-gran-polla/>

User ID: "anonymous" staff account for uploading videos as part of affiliate programs with content producers
Upload IP: 93.156.108.78
Email address: N/A
Last known address: N/A
Phone Number: N/A

3. www.serviporno.com/videos/la-perfeccion-existe/

User ID: cumines
Upload IP: 81.45.52.215
Email address: kalentita_25@hotmail.es
Last known address: N/A
Phone Number: N/A

4. www.serviporno.com/videos/un-pov-con-una-mini-latina

User ID: cumines
Upload IP: 81.45.52.215
Email address: kalentita_25@hotmail.es
Last known address: N/A
Phone Number: N/A